

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

AMERICAN WESTERN HOME)
INSURANCE COMPANY,)
Plaintiffs,) Case No. 08-0419-CV-W-ODS-ECF
vs.)
UTOPIA ACQUISITION L.P., et. al.)
Defendants.)

MOTION FOR SUMMARY JUDGMENT

COMES NOW, plaintiff, and pursuant to F.R.C.P. 56 respectfully moves this Court for its Order of summary judgment for plaintiffs. In support of its motion, plaintiff states that there are no genuine issues as to any material fact and plaintiff is entitled to judgment as a matter of law.

SCHMITT, MANZ, SWANSON & MULHERN, P.C.

By /s/ Paul Hasty, Jr.
Paul Hasty, Jr. MO # 34470
7101 College Blvd., Suite 350
Overland Park, Kansas 66210
(913) 317-8068
(913) 317-8058 (facsimile)

ATTORNEYS FOR DEFENDANT

I hereby certify that the above and foregoing was electronically filed and served by using the CM/ECF system on **October 6, 2008**, to:

Christopher Barhorst
SWANSON MIDGLEY, LLC
2420 Pershing Road, Suite 400
Kansas City, Missouri 64108
cbarhorst@swansonmidgley.com

**ATTORNEYS FOR DEFENDANT DALMARK
MANAGEMENT GROUP LLC**

/s/ Paul Hasty, Jr.
Paul Hasty, Jr.
For the Firm